

**POLICE CONDUCT OVERSIGHT  
COMMISSION**

***Minutes***

**Regular Meeting September 8, 2015**

**Starting at 6:00 p.m.**

**350 Fifth Street, Room 241, Minneapolis, MN 55407**

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**Committee Members Present:** Andrea Brown (Chair), Andrew Buss, Amran Farah, Jennifer Singleton (Vice Chair), and Laura Westphal.

**Absent:** Adriana Cerrillo

**Staff Present:** Ryan Patrick – Police Conduct Operations Supervisor (612) 673-5500.

**Chair Brown called the meeting to order at 6:02 p.m. A quorum of the Commission was present.**

**Buss moved to adopt meeting agenda.**

Seconded. All in favor.

**The motion carried.**

**Buss moved to adopt the August 11, 2015 minutes with the following correction: on page five the cases being referred to the Policy and Procedure Committee should be case number(s) two and eight.**

Seconded. All in favor.

**The motion carried with the approved correction.**

**PUBLIC COMMENT**

Chair Brown opened the floor for public comment. The following is a list of the members of the public who addressed the Commission and the topics covered in their discussion:

*Teresa Nelson – Legal Director ACLU of Minnesota:*

- ‘Doesn’t Fit Any Crime’ statistics and questions regarding scope of questioning used to generate statistical analysis.
- Suggested that qualitative interviews be conducted of officers to assess whether or not the issues surfacing indicate a database issue or otherwise.
- Also indicated that while reviewing the data to also view the incident reports that accompany each arrest thereby broadening the scope as opposed to ‘yes’ or ‘no’ questions.

***Amended and Approved during the December 08, 2015 PCOC Meeting***

*Dave Bicking:*

- Addressed issues and timelines surrounding the potential to contribute to the Chief's performance report.
- Complimented the body of work produced in the Body Camera Study and recommended that cameras not be purchased in the City of Minneapolis.
- Suggested that the PCOC go forward and urge the City Council to adopt good policy with regard to body cameras.

*Michelle Gross:*

- Addressed the role of the PCOC and the Chief's performance review process.
- Suggested that the MPD should consult the PCOC before instituting the SOP and when making changes with regard to body cameras.

*Chuck Turchick:*

- The duty and role of the PCOC in the Chief's review process.
- Complemented the Body Camera report; indicates that dialogue with the MPD was not addressed.
- Indicated that the MPD should come back to the PCOC in the future when making policy considerations or revisions.
- The policy consideration discussion should take place before they institute the SOP, which could take place either at the full Commission or Committee meeting.

With no further public comment, Chair Brown moved to the next item on the agenda.

**BODY CAMERA POLICY REPORT – FINAL STUDY FOR APPROVAL**

*Ryan Patrick, the Police Conduct Operations Supervisor, addressed the Commission. The following were the main points from his presentation:*

- In June 2015 Chief Harteau approached the Commission to study and gather community suggestions with regard to body camera policy and implementation; the report was published on September 1, 2015.
- The Commission conducted three listening sessions, distributed surveys, and reviewed the best practices.
- The report is broken down into seven sections: activation, deactivation, restrictions, notification, viewing, public access and retention, accountability, and policy creation; the full index is available online.
- Best practice research included several municipalities, including Duluth, Burnsville, New Orleans, Seattle, District of Columbia, Salt Lake City, and Los Angeles, in addition to other agencies nationwide. It also included literature from research groups including PERF, the Office of Community Oriented Policing Services, the Atlanta Citizens Review Board and advocacy organizations such as the ACLU.

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- The report includes key best practices findings, including: activation for community contact, civilian consent, evidentiary presumption, notification, officer viewing and report writing, supervisor review, and police accessibility.
- The study goal included receiving community input; the Commission received more than 200 comments from listening sessions, emails sent to the Commission, other outreach events and news articles written about the policy, which is also included in the report.
- The door poll conducted asked “should the MPD use body cameras” and included 530 surveys, of which 90% responded yes, 9% responded no, and 1% undecided; the door poll was distributed at Listening Sessions, PRIDE festival, the 25th anniversary celebration of the ADA, and at Neighborhood Night Out events.
- Themes contained within the community comments included that the cameras should be activated as often as possible, that officer discretion should be limited with regard to when they should or should not be able to deactivate the devices, that cameras should be used for SWAT activities and that officers must be held accountable. All of these themes were woven throughout the recommended policy.
- The report included seven recommendations: adopt/implement body cameras within the City of Minneapolis, the MPD adopt the PCOC redline policy, periodic review of body camera footage by impartial supervisory staff with regard to complaints, policy governing the release of video for public data requests, creating a partnership with an academic organization to explore the long-term impact of body camera usage, conducting a bi-annual review to explore impact and assess effectiveness, and adopt the recommendations contained within the City Auditors report.

*With the conclusion of Mr. Patrick’s report, the Chair introduced Kaela McConnon, OPCR Law Clerk. Ms. McConnon addressed the Commission and the following were the main points from her presentation:*

- There were changes in the ‘purpose’ and ‘officer responsibilities’ sections of the SOP to address general distrust in the community, best practices and increase accountability to increase community trust.
- The officer responsibilities should include notification and consent from community members when non-law enforcement encounter
- Officer should display indirect notification of body camera usage in non-consensual encounter and verbally notify whenever possible.
- In private residences officers should directly inform members of the public and obtain consent of individuals they are interacting with.
- Recommended policy includes a clear indication that body camera usage is a supplement to MVR or dash camera usage, not a replacement.
- Recommend that body cameras are in use in off-duty capacity and strike the SWAT restriction.
- Supervisors regularly review footage and classification for policy compliance and any misconduct.
- Activation should apply to all community contact, which is merged with both best practices and community comments.

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- An evidentiary presumption should be applied, acting as a strike against an officer if footage is not available and should have been per policy, when a civilian makes a complaint, however a six-month grace should be allowed before the policy is fully enacted.
- Reduced officer discretion with regard to deactivation of cameras.
- Discretion should include consent, if consent not provided then the cameras should be deactivated;
- If camera inappropriately deactivated, same evidentiary presumption with same six-month grace period.
- Officers should not be allowed to review footage prior to writing reports to provide a more holistic view of the events; however allows for viewing after writing a report and additions of clearly stated addendum.
- The PVR footage should be retained for 280 days, which provides an additional 10 days for investigation; should an incident include force the retention period increases to three years, and death the footage should be held to perpetuity.
- The program should be audited yearly to ensure compliance and address equipment needs. Furthermore in the third year of operation an additional study is recommended to assess and improve policy; if the MPD attempts to revise, said revision should include PCOC input.
- Consensual encounter is added to the definitions section in the event where non-law enforcement events where consent has been obtained.

With the conclusion of the presentation from Ms. McConnon, Chair Brown opened the floor for discussion. The following is a list of speakers and an abstract of their individual comments:

*Chair Brown* – requested a more detailed explanation of what the appendix contains in addition to asking if there is a method of conveying consent if English is not an individual's first or primary language, such as using an alternative method to convey the body camera usage.

*Singleton* – expressed gratitude to the dedication and commitment to completing the report.

After a brief discussion, being duly acknowledged by Chair Brown, the following motion was made:

**Commissioner Singleton moved to adopt the Body Camera Report and recommendations as presented.**

Seconded.

With no further discussion from the members present, the Chair closed the discussion and called for a voice vote.

All in favor. None opposed.

**The motion carried.**

**PRESENTATION ON “DOESN’T FIT ANY CRIME” RESEARCH METHODOLOGY**

*Ryan Patrick, the Police Conduct Operations Supervisor, addressed the Commission. The following were the main points from his presentation:*

- The study focuses on one specific subset using CAPRS to generate the reports.
- CAPRS has a listing of specific codes, MISC is one of the codes used when writing arrest reports.
- The specific cases involve the MISC distinction and the initial query found 758 instances.
- The ACLU reported that perhaps there might have been limitations in the database system; the goals of the study are to explore these issues and develop a starting point.
- The questions posed are stating points in research questioning, which include multiple offenses, cited statutes, CAPRS code identification, arresting booking or citation information, demographic information, differentiations across precincts or districts, and time of day and date information.
- The identification of trends, e.g. suspect, location, date, time of arrest, ethnicity.
- Anticipate presenting the report to the Policy and Procedure Committee on November 24, 2015 and to the full Commission on December 8, 2015.

With the conclusion of the presentation from Mr. Patrick, Chair Brown opened the floor for discussion. The following is a list of speakers and an abstract of their individual comments:

*Singleton* – asked with regard to qualitative data if there is a method to gain more specific information on those pieces.

*Brown* – indicated that gross misdemeanors can be immediately issued as warrants and asked if those types of offenses will be included in a separate study.

With no further discussion on the matter, the following motion was made:

**Chair Singleton moved to perform the research and study in accordance with the methodology presented with the addition to a qualitative component to that study.**

Seconded.

Chair Brown opened the floor for discussion

With no further discussion from the members present, the Chair closed the discussion and called for a voice vote.

All in favor. None opposed.

**The motion carried.**

## **Committee Reports**

### **Policy and Procedure Committee Report**

*Buss, the Committee Chair, addressed the Commission.* The following are the main points from the Chair's report:

- Discussed 'Doesn't Fit Any Crime' methodology and starting points.
- Discussed timeline with regard to Cultural Awareness training; the Seattle Police Department has made documents available to the Committee; are looking closely at seeing if we can make recommendations.
- Distributed current schedule for cadet and recruit academy classes for those interested in attending.
- The next Committee meeting has been rescheduled for September 17<sup>th</sup> due to scheduling conflicts.
- Commander Folken will be presenting at the next committee meeting to talk about School Resource Officers and the Juvenile Outreach Program.

With no further discussion on the matter, the Chair moved to the next item on the agenda.

### **B. Outreach Committee**

*Commissioner Singleton, the Committee Chair, addressed the Commission. The following are the main points from Chair's report:*

- The Commission attended two Open Street events on Franklin Avenue and Downtown.
- Commissioner Cerrillo was working on securing space at the Mercado Central for Mexican Independence Day; the project was put on hold for the time being.
- Commissioner is currently working on a presentation at the University of Minnesota.

With the conclusion of the update from Commissioner Singleton, the Chair opened the floor for discussion. The following is a list of speakers and an abstract of their individual comments:

*Farrah* – indicated that she had received an email from the Westbank Riverside Community to attend a block party this upcoming Saturday from 1:00 p.m. to 8:00 p.m. inviting the PCOC participate and have an official presence from 1:00 p.m. to 5:00 p.m.

With no further discussion on the matter, the following motion was made:

**Chair Singleton moved to attend two of the upcoming Open Street events and that the PCOC have an official presence at the September 20<sup>th</sup> Open Street event on Nicollet and that the PCOC attend the Lowry event.**

Seconded.

With no further discussion from the members present, the Chair closed the discussion and called for a voice vote.

All in favor. None opposed.

**The motion carried.**

**Commissioner Farrah moved to have an official presence at the Westbank Riverside Community block party this Saturday.**

Seconded.

Chair Brown opened the floor for discussion.

All in favor. None opposed.

**The motion carried.**

### **Discussion of August 2015, Selected Case Summary Data 2, 6, & 7**

*The Chair opened the floor for discussion.* The following is a list of speakers and an abstract of their individual comments:

*Farrah* – indicated approval at seeing body camera footage provided as part of case material; the accounts were different between the officer and complainant for case number six.

*Singleton* – indicted that the investigation in case number seven was thorough in that the officer in question interviewed staff members at the location of the alleged incident.

*Westphal* – appreciated the coaching performed and felt that the result of the coaching was appropriate.

With no further discussion on the matter, the Chair moved to the next item on the agenda.

### **New Case Selection**

The Chair called for the commissioners to identify their top three case synopsis choices for September 2015 and the Chair asked the Commission Clerk to call the roll. The following are the votes by Commissioners:

Chair Brown – 6, 9, 7

Singleton – 3, 6, 9

Buss – 6, 7, 9

Westphal – 1, 2, 7

Farrah – 1, 8, 9

Chair Brown indicated the new case selections for discussion at the October 2015 meeting are **case # 6, 7, and 9** as the top picks, which were then selected by **unanimous consent of the commissioners.**

***Amended and Approved during the December 08, 2015 PCOC Meeting***

With no further discussion on the matter, Chair Brown moved to the next item on the agenda.

**ADJOURNMENT**

**With all of the Commission's business being concluded, the chair adjourned the meeting at 7:17 p.m.**